

DURIE TANGRI LLP
SONAL N. MEHTA (SBN 222086)
smehta@durietangri.com
LAURA E. MILLER (SBN 271713)
lmiller@durietangri.com
CATHERINE Y. KIM (SBN 308442)
ckim@durietangri.com
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: 415-362-6666
Facsimile: 415-236-6300

Attorneys for Defendant
Facebook, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIX4THREE, LLC,

Plaintiff,

V.

FACEBOOK, INC.,

Defendant.

Case No. 3:17-cv-00359-WHA

**[PROPOSED] ORDER REGARDING
DEFENDANT FACEBOOK, INC.'S NOTICE
OF WITHDRAWAL OF OPPOSITION TO
PLAINTIFF SIX4THREE, LLC'S MOTION
TO REMAND**

Date: February 16, 2017

Time: 8:00 a.m.

Ctrm: 8, 19th Floor

Judge: Honorable William Alsup

WHEREAS, on February 14, 2017, the Court issued an Order Granting Request to File a Surreply and Requesting Response from Plaintiff (“Order”), stating:

. . . [B]y **FEBRUARY 15 AT 2:00 P.M.**, plaintiff shall state unequivocally whether it will rely in any way on any federal law to support its claims herein. The response must be either "yes" or "no." If the answer is "no," plaintiff will be bound to that answer and on remand may not rely on any federal law.

ECF No. 28 at 2;

WHEREAS, on February 14, 2017, Plaintiff Six4Three, LLC (“Six4Three”) filed its Response to Order Granting Request to File a Surreply and Requesting Response from Plaintiff (“Response”), stating:

Plaintiff Six4Three, LLC hereby responds to Judge Alsup's Order Granting Request to File a Surreply and Requesting Response from Plaintiff (#28) as follows: No.

ECF No. 29 at 1;

WHEREAS, Six4Three has therefore stated that it will not “rely in any way on any federal law to support its claims” and is “bound to that answer and on remand may not rely on any federal law,” ECF No. 28 at 2;

WHEREAS Facebook has withdrawn its Opposition to Six4Three's Motion to Remand, ECF No. 20, filed February 6, 2017 ("Opposition"), ECF No. 30 at 1;

Six4Three's Motion to Remand is GRANTED. This case shall be remanded to the Superior Court of California, County of San Mateo.

IT IS SO ORDERED.

Dated:

**HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE**

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2017 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Sonal N. Mehta

SONAL N. MEHTA